

Remarks

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This Response is in reply to the Office Action mailed June 2, 2005 (hereinafter the "Office Action"). Claims 27-53 were pending. Claims 33, 41 and 51 were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and the double patenting rejection. Claims 27-32, 34-40, 42-50 and 52-53 were rejected.

Claims 27-30, 34-36 and 38-53 remain in the application. Claims 31-33 and 37 have been canceled without prejudice. Independent claims 27, 35 and 43 have been amended. Support for the amendment to independent claim 27 can be found in at least previously presented claims 31-33. Support for the amendment to independent claim 35 can be found in at least previously presented claim 37, and in FIGs. 7, 8 and 9. Support for the amendment to independent claim 43 can be found in at least previously present claim 49, and in FIGs. 3, 5 and 6-9.

Allowable Subject Matter

The indication of allowable subject matter in claims 33, 41 and 51, if rewritten in independent form, is acknowledged with appreciation. Claim 27 has been amended to include the allowable subject matter of claim 33, and intervening claims 32 and 31.

Double Patenting

Claims 27-53 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 6,386,409.

A terminal disclaimer obviating a double patenting rejection over Cheney 6,386,409 was previously submitted (on June 25, 2003) in this application. A copy of this previously submitted terminal disclaimer is attached hereto.

Claim Rejections - 35 U.S.C. § 102

Claims 27-29, 35-37 and 43-47 (including independent claims 27, 35 and 43) were rejected under 35 U.S.C. 102(b) as being anticipated by Saunders (1,155,447).

Claims 27, 28, 30-31, 35-36, 38-39, 43-45, 49 and 52 under 35 U.S.C. 102(b) as being anticipated by Howe (532,067).

Claims 27, 28, 30-32, 35-40, 43-45, 49-50 and 53 were rejected under 35 U.S.C. 102(b) as being anticipated by Wilkirson (2,708,302).

Claims 27-30, 35-39, 43-45, 46-48 and 53 were rejected under 35 U.S.C. 102(b) as being anticipated by Grove (460,437).

Claims 27-31, 34-39, 42-49, 52 and 53 were rejected under 35 U.S.C. as being rejected by Cheney (5,484,092).

Claim Rejections - 35 U.S.C. § 103

Claims 30, 38 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Saunders in view of Brachhausen (621,318).

Claims 31 and 49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Grove in view of Howe.

Arguments

Independent claim 27 has been amended to incorporate the allowable subject matter of claim 33 and intervening claims 32 and 31. Thus, all 102 and 103 rejections directed to claim 27 have been rendered moot.

The remainder of these Arguments will be directed primarily to currently pending independent claims 35, 43 and 53, with the understanding that, if an independent claim is allowable, any claims depending therefrom are allowable for at least their dependent relationship.

Independent claim 35 has been amended to include the subject matter of:

A storage box for use with vehicles comprising:
a) a base structure;

- b) a lid . . .; and
 - c) lid coupling means . . .; and
 - d) the lid coupling means including a lid latch coupled to the lid, and means, rotatably coupled to the base structure, for engaging and latching the lid latch while in the first coupling position; and
 - e) the means for engaging and latching the lid latch including a hooking cam for facilitating closing and securing the lid to the base structure, the hooking cam on a lid actuator engages the lid latch while the lid is in an opened position such that, as the lid actuator is rotated, the lid latch tracks along the hooking cam of the lid actuator wherein the lid is pulled down, the lid being securely closed upon complete travel of the lid latch along the hooking cam; wherein the lid actuator rotates substantially 180 degrees along the hooking cam such that the lid latch is forced through cam action motion.
- (Emphasis added)

This aspect of the invention is shown in at least FIGs. 7-9, and discussed in the accompanying specification. The claimed limitation requires that the lid latch engage the lid while the lid is in an opened position, and that the lid latch rotates 180 degrees along the hooking cam while the lid is pulled down. That is, the lid latch and the hooking cam engage each other while the cover is in an open position and remain engaged through 180 degrees of rotation. Applicant respectfully submits that none of the references of record teach or suggest such a limitation.

In the Office Action it was stated that “portion 11 [of Saunders] can be rotated 180 degrees,” and that “portion A [of Brachhausen] can travel 180 degrees about b,” and that “the position of portion b5 [of Grove] is about 180 degrees.”

Applicant respectfully submits, however, that each of the latching structures identified in the Office Action are not capable of both engaging the lid latch while the lid is in an open position, nor do they include a lid actuator that rotates 180 degrees along a hooking cam. For example, it is clear from FIG. 3 of Saunders that portion 11 cannot travel any further along the latch 10 than the closed position shown in FIG. 3, a distance nowhere near 180 degrees (regardless of the arc of the cam shown in FIG. 3, the cam travel along the latch is at its limit in the position shown in FIG. 3 – it can rotate no further). Similarly, the cam A of Brachhausen cannot both engage the latch g while in an open position and travel 180 degrees while contacting the latch g. Also, while it is not at all clear that portion b5 of Grove rotates through an angle of “about 180 degrees,” portion b5 of Grove cannot engage portion B¹ while B¹ is in an open

position. The Howe, Wilkirson and Cheney '092 references similarly fail to disclose a latching mechanism in which a cam engages a latch through 180 degrees of travel.

As the cited references fail to teach or suggest each of the claimed limitations of claim 35, Applicant respectfully submits that the claims are not anticipated by the references of record. Further, as the cited references fail, both individually and collectively, to teach or suggest each of the claimed limitations of claim 35, a *prima facie* case of obviousness cannot be properly established based on these references. As such, claim 35 is neither anticipated nor rendered obvious by the cited references.

Independent claim 43 has been amended to include the limitations of:

A vehicle storage box, comprising:

- a) a base structure;
- b) a lid, pivotally connected to the base structure, shaped to enclose the base structure; and
- c) a lid coupler, connected to the lid and the base structure, shaped to releasably couple the lid to the base structure, the lid coupler having a first coupling position occurring when the lid is in an opened position, the lid coupler including an adjustable lid actuator and an adjustable lid latch, each rotatable in a common plane substantially parallel to a front of the base structure.

(Emphasis added)

The claim thus requires that the lid coupler include both an adjustable lid actuator and an adjustable lid latch, each of which are rotatable in a common plane substantially parallel to a front of the base structure. Applicant respectfully submits that each of the references of record explicitly disclose latching mechanism that include a fixed lid latch with a rotatable cam structure that engages the lid latch. Thus, none of these references teach or suggest a lid coupler having both an adjustable lid actuator and an adjustable lid latch. As such, independent claim 43 is not anticipated or rendered obvious by the cited references.

Independent claim 53 has been amended to include the limitations of:

A vehicle storage box, comprising:

- a base structure;
- a lid, pivotally connected to the base structure, shaped to enclose the base structure; and
- a lid coupler, connected to the lid and the base structure, shaped to

releasably couple the lid to the base structure, the lid coupler having a first coupling position occurring when the lid is in an opened position;
the lid coupler comprising a first and second adjustable lid actuator
and a first and second adjustable lid latch.
(Emphasis added)

Thus, the claim requires both a first and second adjustable lid actuator and a first and second adjustable lid latch. As discussed above, the references of record fail to disclose a lid latching assembly that includes both an adjustable lid actuator and an adjustable lid latch. As they fail to disclose a single instance of such structure, they surely fail to disclose a first and a second instance of such structure.

Accordingly, claim 53 is neither anticipated nor rendered obvious by the references of record.

Conclusion

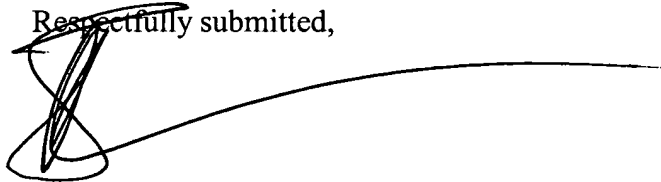
In light of the above, Applicant respectfully submits that pending claims 27-30, 34-36 and 38-53 are in condition for allowance. Therefore, Applicant requests that the rejections and objections be withdrawn, and that the claims be allowed and passed to issue. If any impediment to the allowance of these claims remains after entry of this Response, the Examiner is strongly encouraged to call the undersigned at (801) 566-6633 so that such matters may be resolved as expeditiously as possible.

Check No. 23849, in the amount of \$510.00, is enclosed for a three-month extension of time in which to timely file this response. No claims have been added herein.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Response to Deposit Account No. 20-0100.

DATED this 2nd day of December, 2005.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line that curves upwards at the end.

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